

Readoption Review

Universal Precautions

410 IAC 1-4

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small business.

Description of Rule:

The Indiana State Department of Health (ISDH) has responsibility for requirements regarding universal precautions procedures used to prevent the transmission of dangerous communicable diseases through blood or other body fluids in Indiana. In 1996, the Indiana General Assembly enacted IC 4-22-2.5 to establish automatic expiration of any rule in effect for more than seven years and create a streamlined method for readoption of such rules without change. On October 6, 1989, in accordance with IC 16-41-11, the ISDH adopted 410 IAC 1-4 to establish the approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other bloodborne pathogens. In accordance with IC 4-22-2.5, 410 IAC 1-4 must be readopted if it is to remain in effect.

Readoption Analysis:

1. Is there a continued need for this rule?

IC 16-19-3 requires the ISDH to perform specific functions. IC 16-19-3-4 allows the ISDH to adopt rules to protect or improve the public health in Indiana under IC 16-41-11. All mentioned statutes remain in effect, so there is a continued need for the rule concerning treatment of infectious waste.

2. What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

Since the effective date of the rule, there have been no complaints or comments received from the public or small business concerning this rule or the implementation of this rule by the ISDH. This is not surprising, since the ISDH considered the Indiana Occupational Safety and Health Administration's bloodborne pathogens standards, 29 CFR 1910.1030, when adopting rules for universal precautions.

3. Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small business in complying with the rule.

No complaints or comments have been received from small business about this rule or the implementation of it, and the ISDH is not aware of any difficulties in administration of, or compliance with, this rule. The rule ensures that an individual who has professional, employment, or volunteer duties that require direct contact with blood or body fluids in the scope of the individual's duties must use universal precautions.

4. To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances. This rule requires that all covered individuals and health care workers comply with the Indiana occupational safety and health administration's bloodborne pathogens standards, 29 CFR 1910.1030.

5. When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

This rule was readopted July 11, 2001. Technology and economic conditions have changed since 2001, but not in ways that would require a change in the rule. This rule requires that universal precautions procedures be used to prevent the transmission of dangerous communicable diseases through blood or other body fluids.

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